

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TRAVELERS CASUALTY AND SURETY COMPANY as
Administrator for RELIANCE INSURANCE COMPANY,
Plaintiff,

vs.

DORMITORY AUTHORITY - STATE OF NEW YORK,
TDX CONSTRUCTION CORP. and KOHN PEDERSEN
FOX ASSOCIATES, P.C.,

Defendants.

Case No. 07-CV-6915 (DLC)
ECF CASE

DORMITORY AUTHORITY OF THE STATE OF NEW
YORK and TDX CONSTRUCTION CORP.,

Third-Party Plaintiffs,

vs.

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

TRATAROS CONSTRUCTION, INC. and TRAVELERS
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

vs.

CAROLINA CASUALTY INSURANCE COMPANY;
BARTEC INDUSTRIES INC.; DAYTON SUPERIOR
SPECIALTY CHEMICAL CORP. a/k/a DAYTON
SUPERIOR CORPORATION; SPECIALTY
CONSTRUCTION BRANDS, INC. t/a TEC; KEMPER
CASUALTY INSURANCE COMPANY d/b/a KEMPER
INSURANCE COMPANY; GREAT AMERICAN
INSURANCE COMPANY; NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA.;
UNITED STATES FIRE INSURANCE COMPANY;
NORTH AMERICAN SPECIALTY INSURANCE
COMPANY; ALLIED WORLD ASSURANCE COMPANY
(U.S.) INC. f/k/a COMMERCIAL UNDERWRITERS
INSURANCE COMPANY; ZURICH AMERICAN
INSURANCE COMPANY d/b/a ZURICH INSURANCE
COMPANY; OHIO CASUALTY INSURANCE
COMPANY d/b/a OHIO CASUALTY GROUP;
HARLEYSVILLE MUTUAL INSURANCE COMPANY
(a/k/a HARLEYSVILLE INSURANCE COMPANY,);

**TRATAROS
CONSTRUCTION, INC.'S
ANSWER TO CROSS-CLAIM
OF COSENTINI
ASSOCIATES, INC.**

JOHN DOES 1-20 and XYZ CORPS. 1-19,

Fourth-Party Defendants.

KOHN PEDERSEN FOX ASSOCIATES, P.C.,

Third-Party Plaintiff,

vs.

WEIDLINGER ASSOCIATES CONSULTING
ENGINEERS, P.C., CASTRO-BLANCO PISCIONERI
AND ASSOCIATES, ARCHITECTS, P.C.,
ARQUITECTONICA NEW YORK, P.C., COSENTINI
ASSOCIATES, INC., CERMAK, PETERKA PETERSEN,
INC., JORDAN PANEL SYSTEMS CORP., TRATAROS
CONSTRUCTION, INC. and LBL SKYSYSTEMS (U.S.A.),
INC.,

Third-Party Defendants.

Third-Party Defendant/Fourth-Party Plaintiff, Trataros Construction, Inc. (“Trataros”), by and through its attorneys, Dreifuss Bonacci & Parker, LLP, as and for their Answer to the counterclaims and cross-claims of Third-Party Defendant, Cosentini Associates, Inc. (hereinafter, the “Cross-Claim”), alleges as follows:

ANSWER TO CROSS-CLAIM

1. Trataros is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 46 of the Cross-Claim, except denies said allegations to the extent they allege liability on the part of Trataros.

2. Trataros is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 47 of the Cross-Claim, except denies said allegations to the extent they allege liability on the part of Trataros.

WHEREFORE, Trataros demands judgment against Third-Party Defendant, Cosentini Associates, Inc. for the following relief:

- a. dismissal of the Cross-Claim with prejudice;

- b. award of attorneys fees, costs and disbursements; and
- c. such other and further relief as the Court deems just and proper.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Cross-Claim fails to state a cause of action upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

The Cross-Claim is barred by the doctrine of estoppel.

THIRD AFFIRMATIVE DEFENSE

The Cross-Claim is barred by the doctrine of unclean hands.

FOURTH AFFIRMATIVE DEFENSE

The Cross-Claim is barred by the doctrine of waiver.

FIFTH AFFIRMATIVE DEFENSE

The Cross-Claim is barred as they may not properly be interposed in this action.

SIXTH AFFIRMATIVE DEFENSE

The Cross-Claim is barred under the doctrine of release.

SEVENTH AFFIRMATIVE DEFENSE

The Cross-Claim is barred by documentary evidence.

EIGHTH AFFIRMATIVE DEFENSE

Trataros reserves its rights to rely upon any and all additional defenses available to it, and all Defendants, third-party defendants, fourth-party defendants, and other parties to the above-captioned matter, and any and all defenses asserted by Trataros against claims or counter-claims asserted by any party to this action.

NINTH AFFIRMATIVE DEFENSE

Trataros reserves its rights to rely upon any and all additional defenses which may be disclosed during discovery in the within action.

Dated: Florham Park, New Jersey
April 8, 2008

DREIFUSS BONACCI & PARKER, LLP

By: /S/
Eli J. Rogers (ER:6564)
*Attorneys for Travelers Casualty and Surety
Company, and Trataros Construction, Inc.*
One Penn Plaza, 36th Floor
New York, New York 10119
-and-
26 Columbia Turnpike
North Entrance
Florham Park, New Jersey 07932
(973) 514-1414
Please respond to New Jersey office

TO: see attached Service List

Travelers Cas. and Sur. Co. v. Dormitory Auth. – State of N.Y., et al.
United States District Court, Southern District of New York
Civil Action No. 07-CV-6915

COUNSEL LIST

(via electronic filing)

JoAnne M. Bonacci, Esq.
Dreifuss Bonacci & Parker, LLP
26 Columbia Turnpike, North Entrance
Florham Park, New Jersey 07932
Tel. No.: 973-514-1414
Fax No.: 973-514-5959
*Attorneys for Plaintiff/Counterclaim
Defendant/Fourth-Party Plaintiff,
Travelers Casualty and Surety Co.
and Third-Party Defendant/Fourth-Party
Plaintiff, Trataros Construction, Inc.*

Timothy B. Froessel, Esq.
Holland & Knight, LLP
195 Broadway
New York, New York 10007
Tel. No.: 212-513-3200
Fax No.: 212-385-9010
*Attorneys for Defendants/Third-Party Plaintiffs,
Dormitory Authority - State of New York
and TDX Construction Corp.*

David Abramovitz, Esq.
Louis Dennis, Esq.
Zetlin & DeChiara, LLP
801 Second Avenue
New York, New York 10017
Tel. No.: 212-682-6800
Fax No.: 212-682-6861
*Attorneys for Defendant,
Kohn Pedersen Fox Associates, P.C.*

Vincent Zichello, Esq.
Zichello & McIntyre, LLP
420 Lexington Avenue, Suite 2800
New York, New York 10170
Tel. No.: 212-972-5560
Fax No.: 212-972-5569

*Attorneys for Fourth-Party Defendant,
Carolina Casualty Insurance Company*

Robert M. Wasko, Esq.
Torre, Lentz, Gamell, Gary & Rittmaster LLP
226 West 26th Street, 8th Floor
New York, New York 10001
Tel. No.: 516-240-8900
Fax No.: 212-691-6452
*Co-counsel for Fourth-Party Defendant,
Carolina Casualty Insurance Company*

Jeremy Platek, Esq.
O'Connor, Redd, Gollihue & Sklarin, LLP
200 Mamaroneck Avenue
White Plains, New York 10601
Tel. No.: 914-686-1700 x.239
Fax No.: 914-328-3184
*Attorneys for Fourth-Party Defendant,
Bartec Industries Inc.*

William Kelly, Esq.
Suzin L. Raso, Esq.
Matthew J. McDermott, Esq.
Goldberg Segalla, LLP.
170 Hamilton Avenue, Suite 203
White Plains, New York 10601
Tel. No.: 914-798-5400
Fax No.: 914-798-5401
*Attorneys for Fourth-Party Defendant,
Dayton Superior Specialty Chemical Corp.
a/k/a Dayton Superior Corp.*

Christian H. Gannon
Robert R. Brooks-Rigolosi, Esq.
Segal McCambridge Singer & Mahoney, Ltd.
830 Third Avenue, Suite 400
New York, New York 10022
Tel. No.: 212-651-7500
Fax No.: 212-651-7499
*Attorneys for Fourth-Party Defendant,
Specialty Construction Brands, Inc. t/a TEC*

David Larson, Esq.
Brett Warning, Esq.
George Manos, Esq.

Bollinger Ruberry & Garvey
500 West Madison Street, 23rd Floor
Chicago, Illinois 60661
Tel. No.: 312-466-8000
Fax No.: 312-466-8001
Attorneys for Fourth-Party Defendant, Kemper

Michael S. Miller, Esq.
Tompkins, McGuire, Wachenfeld & Barry LLP
4 Gateway Center, 100 Mulberry Street
Newark, New Jersey 07102
Tel. No.: 973-622-3000
Fax No.: 973-623-7780
Co-Counsel for Fourth-Party Defendant, Kemper

Donald G. Sweetman, Esq.
Gennet, Kallmann, Antin & Robinson, P.C.
6 Campus Drive
Parsippany, New Jersey 07054
Tel. No.: 973-285-1919
Fax No.: 973-285-1177
*Attorneys for Fourth-Party Defendant,
Great American Insurance Companies*

Erika C. Aljens, Esq.
Green & Lavelle
110 William Street, 18th Floor
New York, New York 10038
Tel. No.: 212-266-5880
Fax No.: 212-528-0134
*Attorneys for Fourth-Party Defendant,
National Union Fire Insurance Company of Pittsburgh, Pa.*

John P. DeFilippis, Esq.
Carroll, McNulty & Kull
570 Lexington Avenue, 10th Floor
New York, New York 10022
Tel. No.: 212-252-0004
Fax No.: 212-252-0444
*Attorneys for Fourth-Party Defendant,
United States Fire Insurance Company*

Diana E. Goldberg, Esq.
Mound Cotton Wollan & Greengrass
One Battery Park Plaza, 9th Floor
New York, New York 10004

Tel. No.: 212-804-4200

Fax No.: 212-344-8066

Attorneys for Fourth-Party Defendants,

Commercial Underwriters and Allied World Assurance Company

S. Dwight Stephens, Esq.

Melito & Adolfsen, P.C.

233 Broadway

New York, New York 10279

Tel. No.: 212-238-8900

Fax No.: 212-238-8999

Attorneys for Fourth-Party Defendant, Zurich

Joseph DeDonato, Esq.

Morgan, Melhuish, Monaghan, Arvidson, Abrutyn & Lisowski

651 West Mount Pleasant Avenue, Suite 200

Livingston, New Jersey 07039

Tel. No.: 973-994-2500

Fax No.: 973-994-3375

Attorneys for Fourth-Party Defendant, Ohio Casualty

Tracey K. Wishert, Esq.

Lance J. Kalik, Esq.

Riker, Danzig, Scherer, Hyland & Perretti, LLP

Headquarters Plaza

One Speedwell Avenue

Morristown, New Jersey 07960

Tel: 973-538-0800

Fax: 973-538-1984

Attorneys for Fourth-Party Defendant, Harleysville

Stephen Schreckinger, Esq.

Gogick, Byrne & O'Neill, LLP

11 Broadway, Suite 1560

New York, New York 10004

Tel. No.: 212-422-9424

Fax No.: 212-422-9429

Attorneys for Third-Party Defendants,

Weidlinger Associates; Castro-Blanco

Piscioneri; and Arquitectonica New York

Martin Schwartzberg, Esq.

L'Abbate, Balkan, Colavita & Contini, LLP

1001 Franklin Avenue

Garden City, New York 11530

Tel. No.: 516-294-8844

Fax No.: 516-294-8202
Attorneys for Third-Party Defendant,
Cosentini Associates

Terrence O'Connor, Esq.
Kalb & Rosenfeld, P.C.
1470 Bruckner Blvd.
Bronx, NY 10473
Tel. No.: (718) 328-1610
Attorneys for Third-Party Defendant,
Jordan Panel Systems Corp.